

JPW DAC

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
WAA-266 C1

First named inventor: Joseph A. Luongo

Application No.: 10/645,082

Art Unit: 3746

Filed: August 21, 2003

Examiner: UNKNOWN

Title: METHODS AND APPARATUS FOR DETERMINING THE PRESENCE OR ABSENCE OF A FLUID LEAK

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

- ☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
- ☒ Other than small entity - fee \$ 1370.00 (37 CFR 1.17(m))

2. Reply and/or fee

- A. The reply and/or fee to the above-noted Office action in the form of Oath & Declaration late fee in the amount of \$130.00 (identify type of reply):

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

- B. The issue fee and publication fee (if applicable) of \$ _____.

- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

11/08/2004 HALI11 00000020 230503 10645082

01 FC:1453 1370.00 DA
02 FC:1451 130.00 DA

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

_____ Signature	_____ November , 2004 Date
_____ Anthony J. Janiuk, Esq. Typed or printed name	_____ 29,809 Registration Number, if applicable
_____ Waters Corporation Address	_____ 508 482 2714 Telephone Number
_____ 34 Maple Street - LG, Milford, Massachusetts 01757 Address	

- Enclosures: ☒ Fee Payment
- ☒ Reply
- ☐ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing unintentional delay
- ☒ Other: Transmittal Letter/Petition For Revival, Reply To Notice To File Missing Parts and Statement of Anthony J. Janiuk

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
- ☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.

November , 2004
Date

Signature
Anthony J. Janiuk
Typed or printed name of person signing certificate



Docket No. WAA-266 C1

**LETTER OF TRANSMITTAL - PETITION FOR REVIVAL
AND REPLY TO NOTICE TO FILE MISSING PARTS**

Enclosed please find a Petition for Revival of an Application for Patent pursuant to 37 C.F.R. § 1.137(d). Please charge deposit account no. 23-0503 the petition fee (\$1,370.00) pursuant to 37 C.F.R. § 1.17(m). Total fee charged to deposit account is \$1,480.00. In the event Applicant is mistaken to the calculation of fees, Applicant authorizes the Commissioner to charge any additional fees to Account No. 23-0503.

A duplicate copy of this sheet is enclosed.

REMARKS

Applicants petition the Patent and Trademark Office to revive the present application unintentionally abandoned. Applicants petition is made under 37 CFR Section 1.137(d). Attorney for Applicants respectfully submit that the present application was abandoned unintentionally through a docketing error. Attorney for Applicant has made a statement setting forth the following facts. This statement is attached as Appendix A.

The present application was filed August 21, 2003 as a national phase of a PCT Application. It is the Assignee's normal procedure to await the return of the Filing Receipt to file the Oath and Declaration associated with an application. In this case, the docketing clerk did not docket a date for filing the Oath and Declaration. Nor did the docketing clerk recognize the Notice to File Missing Parts which accompanied the Filing Receipt.

Attorney for Applicants was unaware that the present Application needed action until the Notice of Abandonment was received and, as such, the abandonment was unintentional. Attorney for Applicants has reviewed procedures with the docketing clerk to insure the problems associated with the present application do not repeat. The present Petition to Revive is filed one day after Attorney for Applicants was made aware of the Abandonment.

Applicants respectfully request revival of the present application.

Applicants Reply to the Notice to File Missing Parts comprising an Oath and Declaration and late fee due enclosed. Applicants respectfully submit present application is in good order and upon revival, in condition for allowance.

Should there be any outstanding issue in this case, the Examiner is invited to call the undersigned attorney at the number provided below.

Tel. (508) 482-2714
Fax. (508) 482-2320
Reg. No. 29,809
Customer No. 000043840

Respectfully submitted,

Anthony J. Janiuk, Esq.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/645,082	08/21/2003	Joseph A. Luongo	WAA-266 C1

CONFIRMATION NO. 6928

FORMALITIES LETTER



OC000000011276581

Anthony J. Janiuk, Esq.
 Waters Corporation
 Legal Department
 34 Maple Street
 Milford, MA 01757

Date Mailed: 11/14/2003

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

11/08/2004 HALI11 00000020 10645082

01 FC:1453 1370.00 DA
 02 FC:1051 130.00 DA

*A copy of this notice **MUST** be returned with the reply.*





Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



Docket No. WAA-266 C1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Joseph A. Luongo, Steven J. Ciavarini, Robert Q. Tacconi,
Frank A. Rubino and Robert J. Dumas

Serial No. 10/645,082 Filed: August 21, 2003
Assignee: Waters Investments Limited Art Unit: 3746
For: METHODS AND APPARATUS FOR DETERMINING THE PRESENCE OR
ABSENCE OF A FLUID LEAK

Dear Sir:

STATEMENT OF ANTHONY J. JANIUK

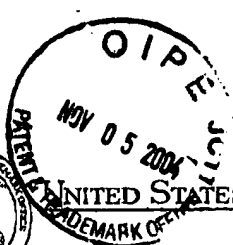
I, Anthony J. Janiuk, make the following statement in the present application.

1. I am Attorney of Record in the present application for patent.
2. The present application was filed August 21, 2003 as a national phase of a PCT Application. It is the Assignee's normal procedure to await the return of the Filing Receipt to file the Oath and Declaration associated with an application.
3. I have carefully reviewed the attorney file associated with the present application and have interviewed the docketing clerk regarding her actions. In this case, the docketing clerk did not docket a date for filing the Oath and Declaration. Nor did the docketing clerk recognize the Notice to File Missing Parts which accompanied the Filing Receipt.
4. I was unaware that the present Application needed action until the Notice of Abandonment was received and, as such, the abandonment was unintentional.
5. I have reviewed procedures with the docketing clerk to insure the problems associated with the present application do not repeat. The present Petition to Revive is filed one day after Attorney for Applicants was made aware of the Abandonment.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon

Further affiant sayeth not

Anthony J. Janiuk

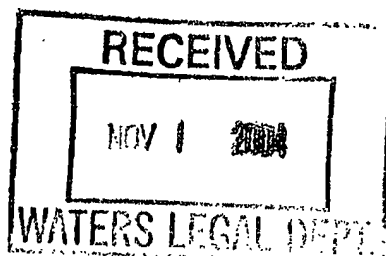


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/645,082	08/21/2003	Joseph A. Luongo	WAA-266 C1

Anthony J. Janiuk, Esq.
Waters Corporation
Legal Department
34 Maple Street
Milford, MA 01757



CONFIRMATION NO. 6928

ABANDONMENT/TERMINATION
LETTER

OC000000014240652

Date Mailed: 10/29/2004

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 11/14/2003.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

A copy of this notice MUST be returned with the reply.



[Signature]
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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE